

**COMBINED DECLARATION AND POWER OF ATTORNEY**  
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR CIP)

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (*check one applicable item below*)

- nonprovisional  
 design  
 supplemental

*NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.*

- national stage of PCT

*NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION, OR CIP.*

- divisional  
 continuation  
 continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

**WARNING:** *If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below, next to my name. I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

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**"TUNABLE RF-LIGHTWAVE MODULATOR"**

**SPECIFICATION IDENTIFICATION**

the specification of which: (*complete (a), (b) or (c)*)

- (a)  is attached hereto.  
(b)  was filed on \_\_\_\_\_ as  Serial No. \_\_\_\_\_  
or  Express Mail No., as Serial No. not yet known, \_\_\_\_\_  
and was amended on \_\_\_\_\_ (*if applicable*).

*NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.*

- (c)  was described and claimed in PCT International Application No. \_\_\_\_\_  
filed on \_\_\_\_\_ as amended under PCT Article 19 (1)  
on \_\_\_\_\_ (*if any*).

## **ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code Federal Regulations § 1.56.

[ ] In compliance with this duty there is attached an information disclosure statement 37 CFR 1.97.

### **PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign applications(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

- (d) [X] no such applications have been filed.  
(e) [ ] such applications have been filed as follows.

*NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.*

### **EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN(S)) PRIOR TO THIS U.S. APPLICATION**

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			[ ] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO
			[ ] YES [ ] NO

### **ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN(S)) PRIOR TO THIS U.S. APPLICATION**

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
(35 U.S.C. Section 119(e))

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**

60/461,894

/

**FILING DATE**

10 April 2003

**POWER OF ATTORNEY**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (*List name and registration number*)

**CUSTOMER NO.: 36716**

*(check the following item, if applicable)*

[ ] Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

**SEND CORRESPONDENCE TO:**

Ross A. Schmitt, Esq.  
c/o LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036-5679

**DIRECT TELEPHONE CALLS TO:**

*(Name and telephone number)*

Ross A. Schmitt  
(323) 934-2300

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

Full name of **sole or first inventor** Daniel Yap

Inventor's signature X Daniel Yap

Date 12/9/03 Country of Citizenship U.S.A.

Residence 5155 Via Capote, Newbury Park, California 91320

Post Office Address (same as residence)

Full name of **second inventor** Peter Petre

Inventor's signature X Petre

Date 12/9/03 Country of Citizenship Hungary

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Full name of third inventor Joseph S. Colburn

Inventor's signature Joseph S. Colburn

Date 12/10/03 Country of Citizenship U.S.A.

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Malibu, CA 90265

Post Office Address \_\_\_\_\_ (same as residence)

**CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGES(S)**

**WHICH FORM A PART OF THIS DECLARATION**

[  ] Signature for third and subsequent joint inventors. *Number of pages added* 1

[  ] Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. *Number of pages added*   

[  ] Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. *Number of pages added*   

[  ] Added pages to combined declaration and power of attorney for divisional, continuation, continuation-in-part (CIP) application. *Number of pages added*   

\* \* \*

[  ] Authorization of attorney(s) to accept and follow instructions from representative.

\* \* \*

*(If no further pages form a part of this Declaration then end this Declaration with this page and check the following item.)*

[  ] This declaration ends with this page.